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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,212	02/13/2004	Sylvia Tidwell Scheuring	2736-126	2484
6449 7590 08/07/2008 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
EXAMINER YIP, JACK				
ART UNIT 3714		PAPER NUMBER		
NOTIFICATION DATE 08/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/777,212

Applicant(s)

SCHEURING ET AL.

Examiner

JACK YIP

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cameron Saadat/
Primary Examiner, Art Unit 3714

Continuation of 11, does not place the application in condition for allowance because:

Regarding Claims 1, 2, 10, 11:

Applicant argues that Ho fails to disclose a means for creating a learning map with learning target dependencies including precursor and postcursor relationship, as recited in claim 1. The examiner disagrees. Ho shows a learning target dependency including precursor and postcursor relationship (Ho, col 4, lines 42 - 64). For examples, Ho shows relationship-items R7, R8 and R9. R9 relates to "Diff-Product-Rule, Diff-Sum-Rule, Polynomials, Exponential-Functions", R7 relates to "Diff-Sum-Rule, Exponential-Functions" and R8 relates to "Diff-Product-Rule, Polynomials". Hence learning target dependencies are established, R7 and R8 would be precursors for R9 since lack of knowledge of R7 or R8 implies lack of knowledge of R9. Similarly, R9 would be a postcursor for R7 and R8 since R9 covers essentially all topics combined in R7 and R8.

Regarding Claims 3 - 8:

For the same reason above, the rejections (Claims 3 - 8) under 35 U.S.C 103(a) as unpatentable over Ho in view of U.S. Patent No. 5,852,822 to Srinivasan et al. and the rejection (Claim 9) under 35 U.S.C. 103(a) as unpatentable over Ho are maintained.

Regarding Claim 9:

Applicant argues that the combination (Ho and Sheehan) fails to disclose specifying learning target dependency relationships for the specified learning targets. The examiner disagrees. See claim 1 argument.

Regarding Claim 17:

Applicant argues that the combination (Ho and Sheehan) fails to disclose inference values are based on the specified learning targets. The examiner disagrees. Ho teaches a line-item probability P which is set by an instructor and based on P, a line-item is selected ($100 \cdot p$)% (inference value) of the time and a relationship-item is selected ($100 \cdot (1-P)$)% (inference value) of the time (Ho, col 6, lines 15 - 32). Therefore, the inference values are based on the probability value associates with the learning targets.

Applicant argues that the combination (Ho and Sheehan) fails to disclose inference values are based on the learning target dependency relationships. The examiner disagrees. Ho states (Ho, col 6, lines 41 - 60) that "If P is set to zero, the selector selects an un-learned relationship item ...once a student has mastered the basic concept of differentiation (lower difficulty level), the student works on the areas of differentiating polynomials, sine, cosine and tangent (higher difficulty level)..." As Ho suggests the relationship-items are related to each other with their subject matter and their difficulty levels. Ho further states (Ho, col 7, lines 3 - 48) "a selector to select an un-learned relationship-item picks one specific un-learned relationship-item based on its weight". And one of the parameters for defining the weight factors is a function relating to difficulty level (Ho, col 7, lines 27 - 32). Therefore, the inference values (weight factors) are based on the learning target dependency relationships.

Regarding Claims 18 - 23:

Applicant argues that Ho fails to disclose learning targets that are precursors and/or postcursors of each other. See claim 1 argument.

Regarding Claim 39 - 41:

Applicant argues that Ho fails to disclose either creating a first learning map, verifying the accuracy of the learning map, and if the first learning map is not accurate, creating a second learning map by modifying the first learning map. The Examiner's official notice fails to remedy the deficiencies of Ho. The examiner disagrees. Ho teaches a first learning map by creating a first learning map (Ho, fig 1, "Study Plan Generator"). Ho further teaches verifying the accuracy of the learning map (Ho, col 5, lines 34 - 36, col 2, lines 4 - 14, "whether the student has any prior failure in learning the relationship-item."). And if the first learning map is not accurate (a student has failed to learn a relationship-item), creating a second learning map by modifying the first learning map (Ho, col 5, lines 29 - 31; "The element attributes include a difficulty level, a failed factor...")

Applicant has submitted a copy of NPL, "Office Action mailed 11/19/2007 concerning U.S. Patent Application No. 10/644,061" cited in IDS filed 2/8/2008. Accordingly, the reference has been considered by the examiner.